

WATERS KRAUS & PAUL
INGRID M. EVANS (179094)
ievans@waterskraus.com
SUNDEEP PATEL (242284)
spatel@waterskraus.com
711 Van Ness Avenue, Suite 220
San Francisco, CA 94102
Telephone: (415/296-6060 or
800/226-9880
214/777-0470 (fax)

BONNETT, FAIRBOURN, FRIEDMAN & BALINT P.C.
ANDREW S. FRIEDMAN (*Pro Hac Vice admission*)
afriedman@bffb.com
KIMBERLY C. PAGE (*Pro Hac Vice admission*)
kpage@bffb.com
2901 N. Central Avenue, Suite 1000
Phoenix, AZ 85012
Telephone: 602/274-1100
602/274-1199 (fax)

Attorneys for Plaintiff and the Putative Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAPHNE P. RAND, by and through DEBRA
J. DOLCH, as Conservator of the Person and
Estate of DAPHNE P. RAND, Conservatee,
on Behalf of Themselves and All Others
Similarly Situated.

Plaintiff,

vs.

AMERICAN NATIONAL INSURANCE
COMPANY, a Texas corporation.

Defendant.

Case No. CV 09 0639 SI

CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER CONTINUING BRIEFING
SCHEDULE**

Judge Susan Illston

Action Filed: 02/12/09

This stipulation is made between Plaintiff DAPHNE P. RAND, by and through DEBRA J. DOLCH, as Conservator of the Person and Estate of DAPHNE P. RAND, Conservatee, (“Plaintiff”) and Defendant American National Insurance Company (“ANICO” or “Defendant”), by and through their respective counsel of records, based on the following:

WHEREAS, on April 23, 2010, due to plaintiff's counsel's unavailability and for purposes of Judicial efficiency and economy, the parties submitted a Stipulation and Proposed Order requesting a continuance of the hearings on Plaintiff's Motion to Substitute, previously set for hearing on May 7, 2010, and Defendant's Motion for Partial Summary Judgment, previously set for May 14, 2010, to June 25, 2010 at 9:00 a.m. in Department 10 (the date provided by the Court's scheduling clerk).

WHEREAS, on April 28, 2010, the Court ordered that the hearings on Plaintiff's Motion for Substitution and Defendant's Motion for Partial Summary Judgment are continued to June 25, 2010.

WHEREAS, the parties have agreed on the following proposed briefing schedule, which allows them sufficient time to complete their respective submissions in connection with the pending motions and provides for the final briefs to be submitted two weeks in advance of the rescheduled hearing date:

Plaintiff's Reply in Support of Motion to Substitute	May 25, 2010
Plaintiff's Opposition to Defendant's Motion for Partial Summary Judgment	May 25, 2010
Defendant's Reply in Support of Motion for Partial Summary Judgment	June 11, 2010

WHEREAS, the parties are still conducting discovery: The parties have not yet completed document production; depositions of several of ANICO's Corporate Representatives are scheduled for the week of May 24, 2010, and there are additional depositions to be scheduled. The parties believe that the current scheduling order on class certification should be modified to allow for completion of discovery, resolution of any discovery disputes and any other matters, as follows:

	Current Date	Proposed Date
Hearing on Motion for Class Certification	September 1, 2010	November 19, 2010, or a date convenient to the court

ATTESTATION OF SIGNATURE

Pursuant to General Order No. 45, § X(b), I hereby attest under penalty of perjury that concurrence in the filing of the document has been obtained from all signatories.

DATED: April 30, 2010

WATERS, KRAUS & PAUL

By: _____/s/_____

INGRID M. EVANS

IT IS SO ORDERED.

DATED: _____

By



The Honorable Susan Illston
District Court Judge